

FILED

OCT 19 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARRETT DANIEL EKMAN,

Plaintiff,

vs.

UNITED STATES DISTRICT
JUDGE MARTIN J. JENKINS,

Defendant.

No. C 07-03352 JW (PR)

ORDER OF DISMISSAL

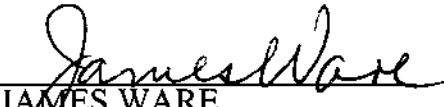
(Docket No. 2)

Plaintiff, a California prisoner, filed this pro se civil rights complaint pursuant to 42 U.S.C. § 1983. On June 25, 2007, plaintiff wrote a letter to the Court indicating that he had mistakenly filed this lawsuit against the above-named defendant, and asking the Court to dismiss the case. A plaintiff may voluntarily dismiss an action pursuant to Federal Rule of Civil Procedure 41(a). Good cause appearing, plaintiff's request for a voluntary dismissal of the instant case is GRANTED, and this action is hereby DISMISSED. In light of this dismissal, the application to proceed in forma pauperis is DENIED.

This order terminates docket number 2.

The Clerk shall close the file.

DATED: OCT 17 2007


JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GARRETT DANIEL EKMAN,

Plaintiff,

v.

U.S. DISTRICT JUDGE MARTIN JENKINS
et al,

Defendant.

Case Number: CV07-03352 JW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on OCT 19 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Garrett Daniel Ekman J-74094
California State Prison
4001 King Avenue
Corcoran, Ca 93212

Dated: OCT 19 2007

Richard W. Wieking, Clerk
By: Elizabeth Garcia, Deputy Clerk

